

In contrast, the Roessler diaper is entirely disposable and the flushable insert is narrower and does not follow the shape of the nonflushable garment shell. . . .

In the Final Office Action the Examiner also stated the following:

*Response to Arguments*

Applicant's arguments filed August 1, 2005 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a nonbiodegradable textile material that is not flushable down the toilet and a flushable insert following the shape of a flushable garment shell) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See, *In re Van Geuns* 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant disagreed that the limitations argued were not found in the claims. A telephone interview was held October 12, 2004 discussing the same; the Examiner summarized the interview as follows:

Mr. Lauson provided arguments with respect to the alleged distinctions between the claimed invention and the prior art including a nonbiodegradable diaper wrap garment that is unable to be flushed down the toilet. The examiner stated that the originally filed specification provides support for a diaper wrap constructed of a textile fabric which is not inherently biodegradable and even if it were nonbiodegradable that is not inherently a property that determines whether or not something can be flushed down a toilet.

Applicant believes the Examiner is mistaken as to her assertion that biodegradability is not what controls whether an article can be flushed down the toilet, and also that textile materials are not inherently biodegradable. The dictionary defines biodegradable as “capable of being broken down esp. into innocuous products by the action of living thing (as microorganisms).” Miriam Webster’s Collegiate Dictionary 9<sup>th</sup> Ed. p. 114 (copy enclosed). Information available on the Internet from various municipalities which treat sewage state: “If it’s not biodegradable, put it in the trash can, not the toilet” (King County (Wash. State) Wastewater Treatment Division), and “Bathroom Tips . . . never flush [cotton materials] . . . or other non-biodegradable . . . products . . .” (Melborne (Australia) Water Education. See attached.

The dictionary defines textile as “cloth, esp. a woven or knit cloth.” Webster’s p. 1220 (copy attached). The patent application specification at page 3 gives the example of cotton as a textile fabric. Accordingly, the Patent Office can take judicial notice that both biodegradable products (human waste, toilet paper, etc.) can be flushed while nonbiodegradable materials (e.g. cotton textiles) cannot.

Besides the amended claims supporting Applicant’s position, the arguments are compelling in that the overall concept of the Roessler patent is significantly different from Applicant’s invention. There is no known suggestion or motivation to modify Roessler by substantially enlarging the biodegradable insert and changing the outer garment diaper material from a disposable, absorbent paper/plastic product into a cloth-like material that can be washed as necessary and repeatedly reused. The obviousness rejection under Section 103 using this single reference and supported by the Examiner’s flawed reasoning cannot stand.

No additional fees are believed owed; if any additional fees are owed the Patent Office is authorized to charge Applicant's Representative's deposit account no. 50-3116.

Respectfully submitted,

LAUSON & ASSOCIATES

By



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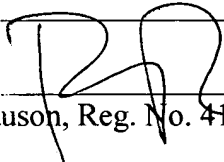
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## Can We Talk Trash?

***If it's not biodegradable, put it in the trash can, not the toilet, or recycle it.***

### Stop flushing and start trashing!



#### It starts with simple changes!

Anything that isn't biodegradable should be put in the trash can instead of the toilet. Or it should be recycled when possible.

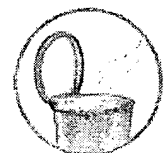
The theory goes, if you don't know, don't flush. And if there's plastic in it, definitely don't flush it.

Wastes that belong in the trash can instead of in the toilet include medications, cotton swabs, cotton balls, bandage wrappers, and wipes of any kind (baby wipes or cleaning cloths). Condoms too! They go in the trash. And, disposable diapers and minipads are definite trash items.

You'll also conserve water by not using your toilet as a trash can. Each unnecessary flush of trash uses at least three gallons of water.

#### Beyond toilets.

Flushing the wrong thing down the toilet can damage your household plumbing, your environment and your wastewater treatment system. But what goes down sinks and other household drains is also a waste issue. The disposal rules for toilets also apply to drains.



#### Have kids or pets? Put a lid on it!

If you're flushing trash down the toilet to keep it out of the reach of kids or pets, consider a trash can with a lid. The trash cans that open by stepping on a lever are good choices. You can buy them at local hardware stores or kitchen-and-bath stores. That way, if they get knocked over, there's a barrier between the trash and small fingers or busy noses.

Hold it till you get to the can  
 The trash can, that is!

"Hi Amanda,  
 It's Jennifer.  
 Do I have news  
 for you..."



"Amanda, you're not going to believe this. Flushing a tampon down the toilet is a bad thing ... a really bad thing!

I just read about this on the Web. According to the sewer experts at King County, tampons can clog toilets or sewer lines, which can end up costing big bucks to get fixed. I've been flushing for years. Who knows if I've caused a mess.

They say it's bad for the environment too. Now, that's something to think about.

I'm serious about this. Tampons go in the trash. The same goes for the wrapper and the applicator. The whole thing goes in the trash. Do you believe that!? How come I never heard this before?



So? What's up with you?"



Can we talk trash  
 is available to  
 download (297KB,  
Adobe Acrobat  
 file).

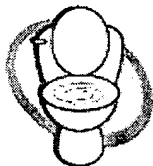
## The Trash Can List

If it isn't biodegradable, put it in the trash can instead of the toilet. Or recycle it. These wastes go in the trash:

- tampons
- condoms
- unused medications (place the original containers inside a plastic zip-lock bag before tossing them in the trash)
- cotton swabs
- cotton balls
- bandage wrappers
- wipes of any kind
- disposable diapers
- nursing pads
- mini- or maxi-pads

These common sense facts are brought to you by the sewer experts at the King County Wastewater Treatment Division to protect public health and the environment.

## More Information



How to Get Rid of Stuff You Don't Want or Need--recommended methods for disposing of residential and household waste.

Things You Can Do to Protect Your Environment--links to information about things you can do to protect your home and family, the wastewater treatment process, and water quality.

Bert the Salmon's Tips for Saving Water--things you can do to conserve water inside and outside your home.



For questions about the Wastewater Treatment Division Web site, please send an e-mail message. For general information about the division, contact us at:

Department of Natural Resources and Parks  
Wastewater Treatment Division  
 201 S. Jackson St., Suite 505  
 Seattle, WA 98104-3855  
 Phone: 206-684-1280  
 Fax: 206-684-1741  
 Telecommunication device for the deaf (TTY): 711

**Related Information:**  
King County Solid Waste  
Division

Local Hazardous Waste  
Management Program for  
King County

Public Health - Seattle and  
King County

Updated: March 9, 2005

## **Melbourne Water Education**

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**Primary : Sewerage : Bin it Recycle it Don't flush it away**

### **Bin it Recycle it Don't flush it away**

#### **What is sewage?**

Sewage includes everything that goes down the kitchen, laundry and bathroom sink, as well as what you flush down the toilet.

Most of the waste flows from your home to the Western or Eastern Treatment Plant, where it is treated to make it safe for release back into the environment. A small amount is treated at local treatment plants owned by the three retail water companies. The sewage is treated to environmental standards that are set by EPA Victoria.

The sorts of things you put down your sink or flush down your toilet can have a major effect on the costs of treating the sewage, and consequently, can make it far more expensive for Melbourne Water and the retail water companies to treat sewage to an acceptable standard.

#### **What is effluent?**

Effluent is treated sewage. The purpose of sewage treatment is to remove suspended solids, organic matter, nutrients and disease-causing organisms, leaving effluent that is suitable for discharge back into the environment.

#### **What can you do?**

You can help protect the environment by keeping many of your household waste items out of the sewerage system.

Most importantly, keep plastics, oils, chemicals, paints and pesticides out of the sewerage system. Such non-biodegradable products cannot be treated by the bacteria that breaks down the rest of the waste. Flushing these products down the toilet or sink makes the treatment process more difficult and more costly. Your retail water company can provide further advice.

#### **Bathroom tips**

##### **Hygiene items**

Hygiene items such as nappies, tampons and cotton buds are not treatable and are difficult to remove, particularly those containing plastic.

- Never flush nappies, sanitary napkins, tampons, incontinence pads, surgical bandages, cotton buds or condoms down the toilet. Such items commonly cause sewer blockages and can clog up the system at the treatment plants. All of these items should be disposed of in the garbage. You can avoid an expensive blockage by simply putting a bin in your bathroom and toilet.

##### **Pharmaceutical products**



- Never flush razor blades, syringes or other non-biodegradable pharmaceutical products down the toilet. Always dispose of these products in the bin. Pharmaceutical products (eg. medicines) should be taken to your chemist for safe disposal.

## **Kitchen and laundry tips**

### **Fats, oils and food scraps**

Avoid putting cooking oil, fats or food scraps down the sink. Fats tend to solidify on cooling, which can lead to fat build-up in the pipes under your home and ultimately cause blockages that are costly to fix. Fat build-ups are a common cause of sewer blockages.

- Instead of pouring fats and oils down the sink, wipe your pots and pans with a paper towel and put the paper towel in the bin. Alternatively, let the oil or fat cool and then spread it evenly over your compost heap.
- Vegetable peelings and other scraps belong in the bin or on the compost. Collect scraps in a container near the sink and dispose of them at the end of the day.
- Buy a sink strainer and save yourself the cost of unblocking your sewer. Empty the strainer into the bin, or add the food scraps to your compost heap.
- Before rinsing your fruit and vegetables in the sink, make sure you remove the brand labels and dispose of them in the rubbish bin. These small, sticky labels are non-biodegradable and cannot be treated by the bacteria that breaks down the rest of the waste.

### **Detergents**

The average household uses three times more detergent than manufacturers recommend for washing dishes and clothes. Many detergents contain phosphate, which can be very harmful to the environment.

- Cut down on the amount of detergent you use – you will help reduce any adverse effects detergents may have on the environment and you will save money on your grocery bill.
- Choose detergents that are phosphate-free.

## **Garden and garage tips**

### **Paints, pesticides and other hazardous chemicals**

Hazardous chemicals used for home and garden maintenance, such as paints and pesticides, can corrode your pipes and damage the environment. These chemicals also pose a health threat to maintenance staff working on sewers.

- Try to use water-based paints whenever possible – they are much less harmful to the environment. For water-based paints, initially paint out brushes or rollers on scrap material or rinse them over the garden.
- If you are using oil-based paints, brushes and rollers should initially be cleaned in turpentine and the paint/turps mixture should be allowed to evaporate down to a sludge for disposal in the bin.
- If you do need to dispose of paints or other chemicals, contact EcoRecycle Victoria (Freecall 1800 353 233 or visit their website at [www.ecorecycle.vic.gov.au](http://www.ecorecycle.vic.gov.au)) for the dates of free household chemical collection days in your area.
- Never pour used motor oil down the sink. Contact your local council or EcoRecycle Victoria to find out safe ways of disposing of used motor oil.

**text-book** \ˈtɛks(t)-bʊk\

ject: as a: one containing

b: a literary work relevant

**textbook** *adj* (1905): of

: CLASSIC (a ~ example of

**text-book-ish** \-bū-kish\ *adj* (1914): of, relating to, or having the

characteristics of a textbook (the style is heavy and ~—Nation)

**text edition** *n* (1895): an edition of a book prepared for use esp. in

schools and colleges — compare **TRADE EDITION**

**text-ile** \ˈtɛk-stil, ˈtɛks-tī\ *n* [L. fr. neut. of *textilis* woven, fr. *texere*]

(1626) 1: CLOTH 1a: esp: a woven or knit cloth 2: a fiber, filament,

or yarn used in making cloth

**text-tu-al** \ˈtɛks-tʃu-wəl, -chəl\ *adj* [ME, fr. ML *textus* text] (15c): of,

relating to, or based on a text — **text-tu-al-ly** *adv*

**textual critic** *n* (1938): a practitioner of textual criticism

**textual criticism** *n* (1859): the study of a literary work that aims

to establish the original text 2: a critical study of literature emphasizing

a close reading and analysis of the text

**text-tu-ary** \ˈtɛks-tʃu-wər-ē\ *n, pl* -ar-ies [ML *textus*] (1608): one

who is well informed in the Bible or in biblical scholarship

**textuary** *adj* (1646): TEXTUAL

**text-ture** \ˈtɛks-tʃər\ *n* [L. *textura*, fr. *texere*, pp. of *texere* to weave —

more at **TECHNICAL**] (1578) 1: a: something composed of closely

interwoven elements; *specif*: a woven cloth b: the structure formed

by the threads of a fabric 2: a: essential part: SUBSTANCE b: identifying

quality: CHARACTER 3: a: the disposition or manner of union

of the particles of a body or substance b: the visual or tactile surface

characteristics and appearance of something (the ~ of an oil painting)

4: a: a composite of the elements of prose or poetry [all these

words... meet violently to form a ~ impressive and exciting — John

Berryman] b: a pattern of musical sound created by tones or lines

played or sung together 5: a: basic scheme or structure b: overall

structure — **text-tur-al** \-chə-rəl\ *adj* — **text-tur-al-ly** \-rəl-ē\ *adv* —

**text-tured** \-chərd\ *adj* — **text-ture-less** \-chə-r-ləs\ *adj*

**texture** *v* **text-tured**; **text-tur-ing** (1694): to give a particular texture

to

**text-tur-ize** \ˈtɛks-tʃu-rīz\ *v* -ized; -iz-ing (ca. 1950): TEXTURE (~ a

polyester yarn)

**text-tus re-cep-tus** \ˈtɛk-stəs-rī-sɛp-təs\ *n* [NL, lit., received text]

(1856): the generally accepted text of a literary work (as the Greek

New Testament)

**T formation** *n* (1930): an offensive football formation in which the

fullback lines up behind the center and quarterback with one halfback

stationed on each side of the fullback

**T4 cell** \ˈtē-tōr-, -tōr-ē\ *n* [T cell + CD4] (1983): any of the T cells (as

a helper T cell) that bear the CD4 molecular marker and become severely

depleted in AIDS — called also **T4 lymphocyte**

**T-group** \ˈtē-grūp\ *n* [training group] (1950): a group of people under

the leadership of a trainer who seek to develop self-awareness and sensi-

tivity to others by verbalizing feelings uninhibitedly at group sessions

— compare **ENCOUNTER GROUP**

**-th** — see **-ETH**

**-th or -eth** *adj* **suffix** [ME *-the*, *-te*, fr. OE *-tha*, *-ta*; akin to OHG *-do*

*-th*, L. *-tus*, Gk. *-tos*, Skt. *-tha*] — used in forming ordinal numbers (hun-

dredth) (*fortieth*)

**-th** *n* **suffix** [ME, fr. OE; akin to OHG *-ida*, suffix forming abstract

nouns, L. *-ia*, Gk. *-ia*, Skt. *-iā*] 1: act or process (*spilth*) 2: state or

condition (*dearth*)

**-th** *symbol* [—th] — used with the figures 4, 5, 6, 7, 8, 9, and 0 and related

Roman numerals to indicate an ordinal number (25th) (50th

wedding anniversary) (XXVth Olympiad)

**Thai** \ˈtāi\ *n, pl* Thai or Thais (1808) 1: a family of languages including

Thai and Shan spoken in southeast Asia and China 2: a: a native or inhabitant of Thailand b: one who is descended from a

Thai 3: the official language of Thailand

**Thai** *adj* (1808): of or relating to Thailand, its people, or their language

or culture

**thal-a-mus** \ˈthā-lə-məs\ *n, pl* -mi \-mi-, -mē\ [NL, fr. Gk. *thalamos*

chamber] (1756): the largest subdivision of the diencephalon that

consists chiefly of an ovoid mass of nuclei in each lateral wall of the

third ventricle and functions in the integration of sensory information

— see **BRAIN ILLUSTRATION** — **tha-lam-ic** \ˈthā-lə-mik\ *adj*

**thal-as-se-mia** chiefly Brit var of **THALASSEMIA**

**thal-as-se-mia** \ˈthā-lə-sē-mē-ə\ *n* [NL, fr. Gk. *thalassa* sea + NL

*-emia*] (1932): any of a group of inherited disorders of hemoglobin

synthesis affecting the globin chain that are characterized usu. by mild

to severe hemolytic anemia, are caused by a series of allelic genes, and

tend to occur esp. in individuals of Mediterranean, black, or southeast

Asian ancestry; esp: COOLEY'S ANEMIA — **thal-as-se-mic** \-mik\ *adj* or

**thalassemia** *n* [NL, greater thalassemia] (1944): COOLEY'S

ANEMIA

**thalassemia minor** *n* [NL, lesser thalassemia] (1944): a mild form of

thalassemia associated with the heterozygous condition for the gene

involved

**tha-las-sic** \ˈthā-lə-sik\ *adj* [F. *thalassique*, fr. Gk. *thalassa* sea] (1883)

: of, relating to, or situated or developed about inland seas (~ civilizations

of the Aegean)

**thal-as-so-cracy** \ˈthā-lə-sō-kṛə-sē\ *n* [Gk. *thalassokratia*, fr. *thalassa*

**thal-laid** \ˈthā-lōid\ *adj* (1857): of, relating to, resembling, or consisting

of a thallus (~ liverworts)

**thal-lo-phyte** \ˈthā-lə-fīt\ *n* [ultim. fr. Gk. *thallos* + *phyton* plant —

more at **PHYT-**] (1854): any of a primary division (Thallophyta) of the

plant kingdom comprising plants with single-celled sex organs or with

many-celled sex organs of which all cells give rise to gametes, including

the algae, fungi, and lichens, and usu. held to be a heterogeneous as-

semblage — **thal-lo-phyt-ic** \ˈthā-lə-fī-tik\ *adj*

**thal-lus** \ˈthā-ləs\ *n, pl* **thal-li** \ˈthā-lī-, -jē\ or **thal-lus-es** [NL, fr. Gk.

*thallos*, fr. *thallein* to sprout; akin to Arm. *dalar* green, fresh, Alb. *dell*

come forth] (1829): a plant body that is characteristic of thallophytes

lacks differentiation into distinct members (as stem, leaves, and root)

and does not grow from an apical point

**than** \ˈθən, ˈθan\ *conj* [ME *than*, then then, than — more at **THEN**]

(bef. 12c) 1: a — used as a function word to indicate the second

member of the member taken as the point of departure in a comparative

expressive of inequality; used with comparative adjectives and comparative

adverbs (older ~ I am) (easier said ~ done) b — used as a function

word to indicate difference of kind, manner, or identity; used with

some adjectives and adverbs that express diversity (anywhere ~ at home)

2: rather than — usu. used only after *prefer*, *prefer*, and

*preferably* 3: other than 4: WHEN — used esp. after *when*, and

*hardly*

**than** *prep* (1560): in comparison with (You are older ~ me)

**usage** After about 200 years of innocent if occasional use, the preposition

Some 200 years of elaborate and sometimes tortuous reasoning has

led to these present-day inconsistent conclusions: *than* whom is

standard but clumsy (Beelzebub... *than* whom, Satan excepted);

higher sat — John Milton) (T. S. Eliot, *than* whom nobody could be

more insularly English — Anthony Burgess); *than* me may be

acceptable in speech (a man no mightier *than* thyself or me — Shakespeare)

(why should a man be better *than* me because he's richer *than* me —

William Faulkner, in a talk to students); *than* followed by a third-

person objective pronoun (*her*, *him*, *them*) is usu. frowned upon. Ex-

pressed opinion tends to agree with these conclusions. Our evidence

shows that the conjunction is more common than the preposition

that *than* whom is chiefly limited to writing, and that *me* is more com-

mon after the preposition than the third-person objective pronoun.

You have the same choice Shakespeare had: you can use *than* either

a conjunction or as a preposition.

**than-a-to-log-ic** \ˈthā-nə-tō-lō-jē\ *n* [Gk. *thanatos* + E. *-logos*] (ca. 18c):

the description or study of the phenomena of death and of psychologi-

cal mechanisms for coping with them — **than-a-to-log-ic-al** \-lō-jē-

*-rī-ti-jē-kəl\ adj* — **than-a-to-log-ist** \-tō-lō-jist\ *n*

**Than-a-tos** \ˈthā-nə-tōs\ *n* [Gk. death; akin to Skt. *adhvani* it is

ished] (1935): DEATH INSTINCT

**thane** \ˈθæn\ *n* [ME *thane*, fr. OE *thegn*; akin to OHG *thegan* (a

and perh. to Gk. *thiein* to bear, beget) (bef. 12c) 1: a free retainer of

an Anglo-Saxon lord; esp: one resembling a feudal baron by his

lands of and performing military service for the king 2: a Scottish

feudal lord — **thane-ship** \-ship\ *n*

**thank** \ˈθæŋk\ *v* [ME, fr. OE *thancian*; akin to OE *thanc* gratitude —

more at **THANKS**] (bef. 12c) 1: to express gratitude to (~ed her for

the present) — used in the phrase *thank you* usu. without a subject

politely express gratitude (~ you for your consideration); used in ex-

pressions as *thank God*, *thank goodness* usu. without a subject to ex-

press gratitude or more often only the speaker's or writer's pleasure or re-

lief in something 2: to hold responsible (had only himself to

blame for his loss) — **thank-er** *n*

**thank-ful** \ˈθæŋk-fəl\ *adj* (bef. 12c) 1: conscious of benefit received

(for what we are about to receive make us truly ~) 2: expressing

thanks (~ service) 3: well pleased: GLAD (was ~ that it didn't rain)

— **thank-ful-ness** *n*

**thank-ful-ly** \-fəl-ē\ *adv* (bef. 12c) 1: in a thankful manner (spoke

~) 2: as makes one thankful (graceless stadiums... ~ going out of

fashion — R. G. Echevarría) (~, those opinions are advanced ~

graceful prose — Ken Auletta)

**thank-less** \ˈθæŋk-ləs\ *adj* (1536) 1: not expressing or feeling grati-

tude: UNGRATEFUL (how sharper than a serpent's tooth it is to have

~ child — Shakespeare) 2: not likely to obtain thanks: UNAPPRECIATED

(~ task) — **thank-less-ly** *adv* — **thank-less-ness** *n*

**thanks** \ˈθæŋk(s)\ *n, pl* [pl. of ME *thank*, fr. OE *thane* thought, grati-

tude; akin to OHG *dank* gratitude, L. *tangere* to know] (bef. 12c)

1: kindly or grateful thoughts: GRATITUDE 2: an expression of grati-

tude (return ~ before the meal) — often used in an utterance contain-

ing no verb and serving as a courteous and somewhat informal ex-

pression of gratitude (many ~) — no thanks to: not as a result of

benefit conferred by (he feels better now, no thanks to you) — *thank*

to: with the help of: owing to (arrived early, thanks to good weather)

**thanks-giv-ing** \ˈθæŋk(s)-gī-vīŋ\ *also* \ˈθæŋk(s)-\ *n* (1533) 1: the

act of giving thanks 2: a prayer expressing gratitude 3: a: a public

acknowledgment or celebration of divine goodness b: cap: THE

GIVING DAY

**Thanksgiving Day** *n* (1674): a day appointed for giving thanks for

divine goodness: as a: the fourth Thursday in November observed

a legal holiday in the U.S. b: the second Monday in October

served as a legal holiday in Canada

**thank-wor-thy** \ˈθæŋ-kwɔr-θē\ *adj* (14c): worthy of thanks or praise

tude: MERITORIOUS

**thank-you** \ˈθæŋ-kyū\ *n* [fr. the phrase *thank you* used in ex-

pression of gratitude] (1792): a polite expression of one's gratitude

**thank-you-ma'am** \ˈθæŋk-yū-mām-, -yē-\ *n* [prob. fr. its use in

nodding of the head] (1849): a bump or depression in a road, ridge or

hollow made across a road on a hillside to cause water to run off

**that** \ˈθæt, ˈθat\ *pron, pl* those \ˈθəz\ [ME, fr. OE *that*, neut. demonstrative

pron. & definite article; akin to OHG *daz*, neuter demonstrative

pron. & definite article, Gk. *ta*, L. *istud*, neut. demonstrative

pron.] (bef. 12c) 1: a: the person, thing, or idea indicated, mentioned,

or understood from the situation (~ is my father) b: time, action, or event

specified (after ~ I went to bed) c: the thing specified as follows (the

purest water is ~ produced by distillation) d: one or a group of the indicated

kind (~s a cat — quick)

agile) 2

tion or dis-

one 3

a repetition

helpful, an

immediate

iary or a fe

subject to i

ous verb or

~) 4

a: truth of ~

world) (wi

time has c

discretion,

or implied

that ~ that,

to introduc

a predicate

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